

1

2 CITY COUNCIL

3

CITY OF NEW YORK

4

-----X

5

THE TRANSCRIPT OF THE MINUTES

6

of the

7

COMMITTEE ON YOUTH SERVICES

8

-----X

9

10 September 27, 2002

Start: 10:15 a.m.

11

Recess: 3:30 p.m.

12

City Hall

Committee Room

13

New York, New York

14

B E F O R E:

15

LEWIS FIDLER

16

Chairperson,

17

COUNCIL MEMBERS:

18

Diana Reyna

James Gennaro

Alan Gerson

19

Miguel Martinez

Albert Vann

20

Dennis Gallagher

James Oddo

21

Bill Perkins

Bill DeBlasio

22

Kendall Stewart

23

24 LEGAL-EASE COURT REPORTING SERVICES, INC.

17 Battery Place - Suite 1308

25

New York, New York 10004

(800) 756-3410

Legal-Ease Court Reporting Services, Inc. (800) 756-3410

NYC0000948

1 COMMITTEE ON YOUTH SERVICES

2 want to hear your testimony. But our next witnesses
3 are Freddy and Anthony Ricci. I see they're already
4 seated here. Thank you for coming.

5 MR. F. RICCI: Thank you for having
6 us.

7 CHAIRPERSON FIDLER: Fred, do you have
8 a statement?

9 MR. F. RICCI: Yes.

10 I don't make wood benefits, I don't
11 benefit by aluminum bats, I'm here as a concerned
12 parent and as a coach.

13 In June 2001, my son Anthony was
14 playing third base for Verrazano Babe Ruth.

15 He was playing up a little, part of
16 the game. Blind drive comes. His reflexes weren't
17 enough to get his glove up and deflect the ball into
18 this mouth, and it knocked two teeth completely out,
19 fractured the ridge bone in his gums on the top, and
20 pushed in the bottom teeth. That was 15 months ago.
21 Today his teeth are still loose. We don't know if
22 he's going to need implants. From that day on I've
23 been an advocate of aluminum bars -- wooden bats.

24 All the statistics that were given
25 can't be compared to sitting in an emergency room

1 COMMITTEE ON YOUTH SERVICES

2 with your son with teeth getting knocked out, blood
3 drenched down to his underwear. It's not a good
4 scene.

5 So, all the statistics that you have,
6 they don't mean a thing to me. I challenge anyone to
7 go home, take a baseball, flip it to your son, and
8 let him hit it with a wooden bat, and then flip him
9 the same ball and let him hit it with an aluminum
10 bat, and you tell me that there's no difference.
11 There's a big difference.

12 I've heard about insurance. We've
13 dealt with Little League insurance, K&A Insurance. I
14 was on the Board of Directors for Gray Kills Little
15 League, the only time you notify Little League
16 Insurance is if your primary insurance doesn't cover
17 the injury.

18 So, if his teeth were covered by my
19 insurance, K&A Insurance wouldn't have even been
20 notified, it's a secondary insurance.

21 So, half the injuries that happen in
22 Little League, that Little League Insurance knows
23 about, I can't see how that's a real number. I
24 believe the gentleman said there was, the number he
25 gave, 2 million, and the amount of injuries, I don't

1 COMMITTEE ON YOUTH SERVICES

2 see how those are real factual numbers.

3 What I know as real and factual is
4 the fact I was in an emergency room with my son who
5 received 40 plus stitches in his mouth, plastic
6 surgery on the outside of his lip, and to this day
7 still going through the resolution just to get his
8 teeth fixed.

9 Do I think aluminum bats should not
10 be allowed? Yes, I do.

11 You spoke about Danny Almante, he's
12 on the high end of the scale of say an athlete, but
13 if he's playing with a ten-year-old that maybe don't
14 have the skills as him, that little kid is in grave
15 danger, because of someone like that with that
16 talent.

17 There's no separation with talent as
18 far as that goes.

19 So, I really feel that something
20 should be done, common sense has to play in here
21 somewhere and not just statistics.

22 CHAIRPERSON FIDLER: Mr. Ricci, would
23 you son like to make a statement before we open it
24 up to questions?

25 MR. RICCI: No.

1 COMMITTEE ON YOUTH SERVICES

2 CHAIRPERSON FIDLER: Certainly as a
3 parent of 12 year old and a 14 year old I sympathize
4 greatly. I can't imagine having to sit in the
5 emergency room with either of my sweet boys in any
6 kind of serious injury or pain; however, you know,
7 don't we acknowledge that when we allow our children
8 to play organized sports, just about any sport, that
9 there is some risk of injury?

10 MR. RICCI: I absolutely agree with
11 that. But does it have to take a tragedy for us to
12 cut, to lessen our odds at that injury?

13 Do we have to wait for someone to get
14 killed to then turn around and say, you know what?
15 Maybe we shouldn't use aluminum bats. If it wasn't
16 about dollars and cents, we probably wouldn't be
17 using them today.

18 CHAIRPERSON FIDLER: God forbid we
19 should have an injury on that level. It would be
20 rather, you know, tragic. But isn't it possible that
21 we'd have an injury on that level with a wooden bat
22 as well?

23 MR. RICCI: I guess we would lessen
24 our odds to the fact of an injury.

25 CHAIRPERSON FIDLER: Now, when you

130

1 COMMITTEE ON YOUTH SERVICES

2 talk about Danny Almante playing with a ten year
3 old, and, of course, I think we kind of found out
4 that Danny Almante was probably a little bit older
5 than he should have been playing Little League Ball,
6 and you're talking about probably the best pitcher
7 that's been in Little League Baseball in the City of
8 New York in recent memory, pitching to a ten year
9 old, aren't we also at risk that Danny Almante will
10 lose control of his fast ball and hit that ten year
11 old in the head and cause just as serious and tragic
12 an injury?

13 MR. RICCI: Yes. I guess that's why
14 when I played Little League we had helmets with no
15 ear flaps, and that's why today we have helmets with
16 ear flaps, probably to prevent an injury from Danny
17 Almante losing control of the fast ball.

18 CHAIRPERSON FIDLER: But the ten year
19 old who is swinging the bat, whether it's aluminum
20 or wood, is swinging the bat at the bat speed of a
21 ten year old.

22 MR. RICCI: Correct. But the bat speed
23 that he has with the aluminum bat compared to the
24 bat speed he has with the wooden bat would make the
25 difference, and we're trying to prevent the ten year

1 COMMITTEE ON YOUTH SERVICES

2 old from being injured, not Danny Almante in this
3 instance.

4 CHAIRPERSON FIDLER: I guess my point,
5 and I want to do it as gently as possible, is that
6 we all kind of, you know, our heart's in our throat
7 every time our kids go out and play ball. I'm sorry
8 that my wife's not here to testify. Her concern
9 about my kids playing Little League Ball, with a
10 story that she read that if a child gets hit by a
11 ball with a sufficient impact, at a certain part of
12 their chest they will die. And she had a great
13 hesitation about permitting our boys to play Little
14 League, they love to play Little League, they play
15 baseball behind the house, in the alley, at the
16 school yard as well, and, you know, there's a
17 certain inherent risk in activities that we do that
18 aren't -- I mean, it's not necessary that we play
19 baseball. We could eliminate all risk by eliminating
20 baseball. I would never support that.

21 So, no need to respond to that, I'm
22 just making a point. And I do want to say that I'm
23 glad, I'm sure we're all glad that your son is here.
24 I hope he's able to get back on the pitcher's mound
25 and enjoy the game in good health and safety,

132

1 COMMITTEE ON YOUTH SERVICES

2 regardless of the kind of bats that are being used.

3 MR. RICCI: I just want to also bring
4 the fact, you said the "pitcher's mound," he wasn't
5 pitching at the time. He was playing third base.

6 CHAIRPERSON FIDLER: Okay.

7 MR. RICCI: So, it's not just a
8 problem for the pitcher, it's also as well as the
9 other in-fielders.

10 And as far as to the fact you said
11 about your wife with the heart.

12 They do have a piece of safety
13 equipment that you can wear for Little Leaguers,
14 it's called the "heart guard," which protects that.
15 So, if we were on the other end of this and we were
16 sitting here to try and get a piece of safety
17 equipment manufactured that someone could make money
18 from, we wouldn't be here. It probably would be done
19 already.

20 But because it's the fact that
21 someone is going to lose money, we need to go
22 through this. I don't see the common sense part of
23 it.

24 CHAIRPERSON FIDLER: Mr. Ricci --

25 MR. RICCI: If there were five deaths

1 COMMITTEE ON YOUTH SERVICES

2 on the corner outside and we wanted a traffic light,
3 there would probably be a traffic light there. But
4 because there are only five deaths in baseball, and
5 it's a multi-million dollar industry, it's not going
6 to get done. I think it should be done.

7 CHAIRPERSON FIDLER: Yes, I want to
8 assure you of one thing, and I can only speak for
9 myself in this regard, is that if I were convinced,
10 and I am to be convinced that aluminum bats pose an
11 unreasonable risk as opposed to wooden bats, I
12 wouldn't care a wit for the profits of the bat
13 companies. That's not what we're here about.

14 However, if I'm not convinced, then
15 it would be grossly unfair to make that change, and
16 additionally unfair, to of all of the various Little
17 Leagues that would have to replace their entire
18 supply of bats, and I don't know that the City is
19 prepared or able to pay for that.

20 Safety first, but I guess the issue
21 that, you know, we're still looking at and will look
22 at for the rest of the day and probably into the
23 future is whether or not the science establishes
24 what you believe anecdotally, and that's the issue
25 before us today.

1 COMMITTEE ON YOUTH SERVICES

2 Councilman Oddo, do you have anything
3 you want to say?

4 COUNCIL MEMBER ODDO: Thank you, Mr.
5 Chairman.

6 As I said, I think in the opening
7 statement, Mr. Chairman, you just reiterated it, we
8 all assume the risk when we play sports, it's when
9 that risk becomes unreasonable that we have to do
10 something. And I don't think you can make the
11 analogy between Danny Almante's arm and a kid
12 swinging a metal bat. A kid doesn't have to be
13 swinging a metal bat, a kid is swinging a metal bat
14 because there is a \$300 million industry propelling
15 it.

16 Mr. Ricci, I want to thank you for
17 coming down today, and I want to thank you for sort
18 of injecting some real world into this Enron-like
19 mentality we heard from.

20 You're talking about the diamond
21 where your son plays, they're talking about it from
22 the perspective of a corporate headquarters.

23 And I want to say to Anthony, I want
24 to apologize to Anthony, because it's very difficult
25 for me to be able to put all the data that some of

1 COMMITTEE ON YOUTH SERVICES

2 my colleagues are questioning and what these folks
3 love to say doesn't exist. It's difficult for me to
4 get all of that in one place. They make it
5 difficult. There are lots of people who don't want
6 me to have that data, and if I had that data, I
7 think that we'd have a much easier time passing this
8 legislation.

9 But I want to tell you that I saw
10 your face, and I'm as committed as day one to making
11 sure that this bill becomes a reality and that your
12 friends don't have to go through what you went
13 through.

14 I just have one question for you.
15 Could you just tell the Chairman about that play,
16 when you saw the ball, how you got the glove up, so
17 he understands your reaction time?

18 ANTHONY RICCI: Well, when I was
19 playing it was --

20 COUNCIL MEMBER ODDO: Pull the
21 microphone a little closer, buddy.

22 ANTHONY RICCI: -- It was third base,
23 and before I like even saw the ball it was almost
24 halfway to me before I saw it. And just as a reflex
25 I kind of just threw my glove up and tipped it the

136

1 COMMITTEE ON YOUTH SERVICES

2 slightest bit, like I didn't even know it was
3 coming, and I just luckily got the glove there to
4 block it a little bit. It came right down into my
5 mouth, and I was just stunned because I really
6 didn't even know what happened at first. And I just
7 had to like sit down and I was rushed to the
8 hospital. And like all this was going on and I was
9 just kind of sitting there like what just happened.
10 I didn't even know -- I didn't even realize it hit
11 me at first. It was just like, it was almost like I
12 was like awe struck that something like that could
13 even happen, like a ball could come that fast at me
14 that I wouldn't even see it.

15 COUNCIL MEMBER ODDO: You got a
16 portion of your glove up? I'm sorry, you got your
17 glove up to hit a portion of the ball, to stop a
18 portion of the ball?

19 ANTHONY RICCI: Yes, the slightest
20 bit. I just kind of deflected it down into my mouth
21 instead of it going into like my nose and my eye.

22 COUNCIL MEMBER ODDO: My last
23 question, Mr. Chairman.

24 Anthony, do you know what type of
25 bat, what model bat the kid was using?

137

1 COMMITTEE ON YOUTH SERVICES

2 ANTHONY RICCI: I don't know what
3 company it was made by, but I think it was the C555
4 bat.

5 COUNCIL MEMBER ODDO: C555 bat.

6 Thank you, Anthony.

7 Thank you, Mr. Ricci.

8 CHAIRPERSON FIDLER: Anthony, one
9 question, what type of glove were you using?

10 ANTHONY RICCI: What type of glove was
11 I using?

12 CHAIRPERSON FIDLER: In-fielders
13 glove, out-fielder's glove.

14 ANTHONY RICCI: In-fielder's glove.

15 CHAIRPERSON FIDLER: In-fielder's
16 glove.

17 ANTHONY RICCI: Yes.

18 CHAIRPERSON FIDLER: Thanks.

19 Thank you, both, for joining us
20 today. And I appreciate you coming down here. I
21 know, Anthony, it must be hard for you, but we do
22 appreciate your testimony very, very much.

23 Thank you.

24 ANTHONY RICCI: You're welcome.

25 CHAIRPERSON FIDLER: Our next group of